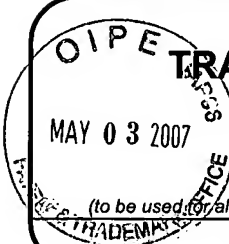


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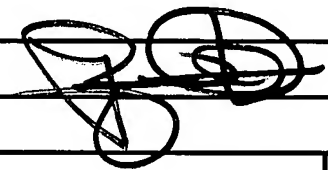
PTO/SB/21 (04-07)

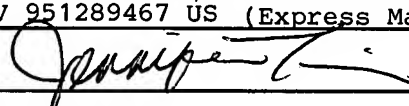
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	Application Number	10/729,330
	Filing Date	12/04/2003
	First Named Inventor	Cameron A. Riddell
	Art Unit	3643
	Examiner Name	Kurt Rowan
	Attorney Docket Number	999205-100025
Total Number of Pages in This Submission		3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Acknowledgement of Receipt Postcard
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	JONES DAY		
Signature			
Printed name	ROBERT W. DICKERSON		
Date	MAY 3, 2007	Reg. No.	29,914

CERTIFICATE OF TRANSMISSION/MAILING			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/729,330)
Applicant: Cameron A. Riddell)
Filed: 12/04/2003)
TC/A.U.: 3643)
Examiner: Rowan, Kurt C.)
Docket No. 999205-100025)
Customer No. 34026)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENT TO PROPOSED AMENDMENT AFTER FINAL

Sir:

Applicant wishes to bring to the Examiner's attention that on April 30, 2007, the Supreme Court, in *KSR Int'l Co. v. Teleflex, Inc.* (Slip Opinion), abrogated the Federal Circuit's "teaching, suggestion, motivation" test (the TSM Test) as being a rigid, *sine qua non*, test for determining obviousness. That recent Supreme court decision has no effect on the patentability of the claims now at issue here because: 1) the present invention is patentable over the prior art of record for the reasons stated in the pending Proposed Amendment After Final, which does not rely on any lack of "teaching, suggestion, motivation" in order to show non-obviousness of the present invention over the prior art; 2) the *KSR* decision indicated that while the TSM Test is not a *sine qua non* requirement for determining obviousness, it is still a factor (and here, there is no such teaching, suggestion or motivation, which while no longer conclusive, is still a factor suggesting that the invention is not obvious; and 3) the *KSR* decision reiterated that secondary

considerations such as need, unsuccessful efforts or copying, remain strong indicia of non-obviousness, and as noted before, such evidence is now in the record.

Applicant respectfully and earnestly requests that a Notice of Allowance be issued as to all claims in the Listing of Claim in the pending Proposed Amendment after Final.

Dated: May 3, 2007

Respectfully submitted,

JONES DAY

By: 

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